

Jon Figliolini
Reg. # 02372-049
F.C.I. - Otisville
P.O. Box 1000
Otisville, N.Y., 10963

Monday, October 11, 2004

RE: Petitioner's Motion Under § 2255, Case No. 99-CR-10172-GAO.

Dear Mr. Lyness,

I spoke with Attorney Patrick McCann last week and learned that he spoke with you on several occasions in regards to the above-captioned case. Attorney McCann told me that you informed him that my case was before the Judge waiting to be reviewed. Thankyou for keeping Attorney McCann appraised of the status of my case and I ask that you continue to do so.

However, we still have a dilemma. As you know, Attorney McCann is not the attorney of record. I am acting pro-se in this matter. Therefore, that makes me the attorney of record. Attorney McCann contacted you as a personal favor to me because you continue to fail to meet your obligation to me by not responding to my letters and keeping me appraised of the status of my petition.

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As of now, I have no documentation from you or your office giving me notice that my petition has been filed. I have nothing for my files. As a pro-se litigant I have a right to be directly notified by you of the status of my petition. I shouldn't have to find out third hand and perhaps days or weeks later of the status of my petition.

After my many efforts to get a response from you regarding notice of filing or the status of my case, I can only assume that I will be continued to be ignored or disregarded by you.

This letter is a last ditch effort by me to get your cooperation in this matter. If I can not get your cooperation, I'll be left with no other choice but to request that the Chief Justice issue a writ of mandamus to compel you (an employee of the United States) to perform your duty.

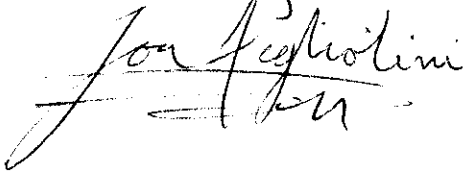
Mr. Lyness, as much as I do not want to proceed in this manner, I will if you force me to. Please send me

notice of filing.

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I expect to have a response
from you as soon as possible.

Thankyou for handling this matter
appropriately.

Sincerely,
Jon Fein

cc File